

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LARRY COCHRAN

Petitioner,

ORDER

v.

10-cv-490-wmc

CAROL HOLINKA,

Respondent.

Petitioner Larry Cochran has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and requests leave to proceed *in forma pauperis*. He supports his request for leave to proceed *in forma pauperis* with an affidavit of indigency and a copy of his trust fund account statement for the six-month period immediately preceding the filing of his petition.

In determining whether a petitioner is indigent for the purpose of filing a § 2241 petition, this court calculates the average monthly deposits and the average monthly balances in the petitioner's prison account for the six-month period mentioned above. If 20% of the greater of these two figures is \$5 or more, then the petitioner is not eligible for indigent status and must prepay all of the \$5 filing fee. If 20% of the greater of these two figures is less than \$5, the petitioner must prepay whatever portion of \$5 the 20% calculation works out to be.

From this statement, it appears that petitioner presently has the means to pay an initial partial payment of \$1.56 towards the \$5 fee for filing this action. As soon as petitioner submits the required amount, the court will take under advisement his petition for a writ of habeas corpus for a determination whether it is appropriate to issue an order directing respondent to show cause why petitioner's petition should not be granted. Petitioner should show a copy of this order to prison officials so that they are aware they should send the \$1.56 payment to this court.

Copy of this document has been
provided to: Petitioner

this 27 day of Aug 2010
by S. Vogel

S. Vogel, Secretary to
Judge Barbara B. Crabb

ORDER

IT IS ORDERED that petitioner's request for leave to proceed *in forma pauperis* in this case is GRANTED, on the condition that petitioner submit a check or money order made payable to the clerk of court in the amount of \$1.56 on or before September 17, 2010. If, by September 17, 2010, petitioner fails to pay the partial fee he has been ordered to submit, then the clerk of court is directed to close this file for petitioner's failure to prosecute.

Entered this 27th day of August, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge